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14 *[Additional counsel listed on next page]*

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 RICARDO DEL RIO, a California
18 resident, on behalf of himself, the proposed
class and collective class; JOSE
19 VALDIVIA, a California resident, on
behalf of himself, the proposed class and
20 collective class; JOSE PEREIRA, a
California resident, on behalf of himself,
21 the proposed class and collective class,

22 Plaintiffs,

23 v.

24 UBER TECHNOLOGIES, INC., a
Delaware Corporation, RASIER-CA, LLC,
25 a Delaware Limited Liability Company,
and DOES 1 through 10, inclusive,

26 Defendants.
27
28

Case No. 3:15-cv-03667-EMC
[Related to 3:13-cv-03826-EMC]

ASSIGNED FOR ALL PURPOSES TO
HONORABLE EDWARD M. CHEN

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE**

Current Date: December 8, 2017
Proposed New Date: January 18, 2018

Complaint Filed: August 11, 2015
FAC Filed: September 21, 2015
SAC Filed: April 27, 2016
Trial Date: None set

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17 Attorneys for Plaintiffs
18 RICARDO DEL RIO, JOSE VALDIVIA and JOSE PEREIRA

1 **JOINT STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE**

2 Pursuant to Civil Local Rule 7-12, Plaintiffs Ricardo Del Rio, Jose Valdivia, and Jose Pereira
3 (collectively “Plaintiffs”) and Defendants Uber Technologies, Inc. and Rasier-CA, LLC (collectively
4 “Uber”) (Plaintiffs and Defendants are collectively referred to as the “Parties”), by and through their
5 respective counsel of record, hereby stipulate as follows:

6 WHEREAS, the Court has previously stayed this matter due to the pending appeals in the 9th
7 Circuit regarding the validity of Uber’s arbitration agreements (Ninth Circuit Case No. 15-17475),
8 and the outcome of *Price v. Uber Technologies, Inc.*, Los Angeles County Superior Court Case No.
9 BC554512;

10 WHEREAS, the 9th Circuit has stayed the appeals pending *Morris v. Ernst & Young, LLP*,
11 834 F.3d 975 (9th Cir. 2016), cert. granted (U.S. Jan. 13, 2017) (No. 16-300) (“Morris”),
12 consolidated with *Epic Sys. Corp. v. Lewis*, 823 F.3d 1147 (7th Cir. 2016), cert. granted (U.S. Jan.
13 13, 2017) (No. 16-285) and *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015) cert.
14 granted (U.S. Jan.13, 2017) (No. 16-307) (collectively, “*Morris, et al.*”);

15 WHEREAS, on November 21, 2017 a revised proposed PAGA-only settlement was
16 submitted to the *Price* court for approval. The parties are awaiting a ruling on the revised proposed
17 settlement;

18 WHEREAS, this Court continued the *Johnston v. Uber Technologies, Inc.* (Case No. 3:16-
19 cv-03134-EMC) case management conference to January 18, 2018;

20 WHEREAS, the Parties have met and conferred and agree that the pending 9th Circuit appeals
21 and the PAGA settlement in *Price* will have an impact on the scope of this case; and

22 WHEREAS, the Parties believe it would be most efficient to continue the case management
23 conference to January 18, 2018 so that it may be heard at the same time as the *Johnston* case
24 management conference.

25 NOW THEREFORE, the Parties hereby stipulate, subject to the approval of this Court, that:

26 1. The Case Management Conference set for December 8, 2017, at 1:30 p.m., shall be
27 reset to January 18, 2018, at 10:30 a.m.;

28 2. Case Management Conference Statements shall be due on January 11, 2018.

3. The above-captioned case shall remain STAYED until the next Case Management Conference.

IT IS SO STIPULATED

Dated: November 24, 2017

/s/ Shant Karnikian

SHANT A. KARNIKIAN

KABATECK BROWN KELLNER LLP

Attorneys for Plaintiffs

RICARDO DEL RIO, JOSE VALDIVIA and JOSE PEREIRA

Dated: November 24, 2017

/s/ Sophia Behnia

SOPHIA BEHNIA

LITTLER MENDELSON, P.C.

Attorneys for Defendants

UBER TECHNOLOGIES, INC. AND RASIER-CA, LLC

ATTESTATION OF FILER

I, Sophia Behnia, attest that concurrence in the filing of this document has been obtained from Shant Karnikian, which shall serve in lieu of his signature on this document.

Dated this 24th day of November, 2017.

/s/ Sophia Behnia

SOPHIA BEHNIA

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 11/27, 2017

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